

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

REPEAT CONSULTANTS
INTERNATIONAL, LLC,

Plaintiff,

V.

THE UNITED STATES,

Defendant.

No. 24-619

Filed: April 26, 2024

ORDER

On April 24, 2024, Defendant filed a motion asking the Court to request an advisory opinion from the Government Accountability Office (“GAO”) on a protest docketed under File No. B-421772.4. *See* Def.’s Mot. Requesting GAO Advisory Op. at 1, ECF No. 8. Defendant represents that the GAO dismissed the protest as a result of Plaintiff’s decision to file the instant protest action before the Court, even though the GAO protest had been pending for 92 days, is fully briefed, and is ripe for decision. *See id.* at 1–2. In its motion, Defendant contends that a GAO opinion would advance judicial economy and assist in the resolution of this protest since the GAO protest challenged the same two contract awards in the instant case and the claims asserted in Plaintiff’s Compliant substantially overlap with the protest grounds Plaintiff raised in the GAO protest. *See id.* at 2. Plaintiff takes no position on the motion. *See id.* at 1.

The Court has the authority to make such a request of the GAO pursuant to 4 C.F.R. § 21.11(b), which provides that the “GAO may, at the request of a court, issue an advisory opinion on a bid protest issue that is before the court.” 4 C.F.R. § 21.11(b) (2018). When an advisory opinion is requested, the GAO generally will adhere to the timeframe established for rendering its decision on the original protest action—100 days from the time of filing—unless a different

schedule is established. *See id.*; 4 C.F.R. § 21.9 (2018). Here, only eight days remained before GAO was expected to issue an opinion. *See* ECF No. 8 at 2.

For good cause shown, Defendant's motion is **GRANTED**. Pursuant to 4 C.F.R. § 21.11(b), the Clerk's Office is directed to **SERVE** this Order on the GAO, via certified mail and email,¹ as of the date of this order. For the GAO's advisory opinion to be of maximum use to the parties and the Court in addressing the parties' forthcoming dispositive motions, the Court requests that the GAO **TRANSMIT** its advisory opinion to the Clerk of the Court on or before **May 9, 2024**.

SO ORDERED.

Dated: April 26, 2024

/s/ Kathryn C. Davis
KATHRYN C. DAVIS
Judge

¹ The GAO attorney responsible for the GAO protest is Paul N. Wengert, wengertp@gao.gov.